

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

KRISTINE CHRISMAN,

Plaintiff,

vs.

CLEVE HATCH, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

Case No. 2:07-CV-777 TS

Plaintiff, Kristine Chirsman, proceeding *in forma pauperis*, has filed a *pro se* civil rights complaint. Plaintiff has now filed a Motion for Appointment of Counsel.

Plaintiff has no constitutional right to counsel.¹ The Court may appoint counsel in its discretion.² “The burden is upon the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel.”³

¹*See Carper v. Deland*, 54 F.3d 613, 616 (10th Cir. 1995); *Bee v. Utah State Prison*, 823 F.2d 397, 399 (10th Cir. 1987).

²*Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991).

³*McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985).

When deciding whether to appoint counsel, the Court should consider a number of factors, “including ‘the merits of the litigant’s claims, the nature of the factual issues raised in the claims, the litigant’s ability to present his claims, and the complexity of the legal issues raised by the claims.’”⁴

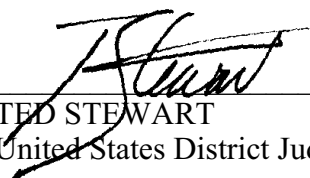
Considering the factors listed above, the Court concludes that it is not clear at this point whether Plaintiff’s claims are meritorious. The Court notes that the factual and legal issues raised in Plaintiff’s claims are not complex. Further, the Court finds that Plaintiff has the ability to present her claims. For these reasons, the Court denies Plaintiff’s Motion for Appointment of Counsel.

It is therefore

ORDERED that Plaintiff’s Motion for Appointment of Counsel (Docket No. 4) is DENIED.

DATED November 5, 2007.

BY THE COURT:


TED STEWART
United States District Judge

⁴*Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams*, 926 F.2d at 996).